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*Our staff is working remotely as required by government directive during the COVID crisis.
Accordingly our office will only be transmitting and accepting communications and pleadings via
email.*

March 4, 2021

Via Email - pstern@kimlf.com

Philip D. Stern, Esq.
Kim law Firm, LLC
411 Hackensack Ave., Suite 701
Hackensack, NJ 07601

RE: Levins v. HRRG
Docket No.: 1:17-cv-928-RBK-KMW
Our File No.: 447-102973(SXK/CMS)

Dear Mr. Stern:

Defendant hereby amends its discovery responses, subject to all prior objections, in response to your February 16, 2021 letter as follows:

A. Number Of N.J. Consumers Who Received A Telephone Message In Which The Caller Was Identified As Only “ARS”

Objection. This interrogatory is overly broad and vague. The proposed class as defined by Plaintiffs would include individuals beyond those who potentially received messages that could violate the FDCPA based on this Court’s rulings. The act of leaving the message in question on an individual’s answering machine does not itself constitute a violation of the FDCPA. Rather, the nature and extent of the prior contact between the Defendant and the individual consumer must be analyzed.

Moreover, Defendant has determined that in many instances although Defendant’s system may have attempted to leave the message in question, the recipient’s voicemail system may have disconnected the call prior to the entirety of the message being left and/or for other technical reasons the complete message was not left on the debtor’s answering machine.

Without waiving same, a total of 65,864 New Jersey consumers received complete answering machine messages which identified the caller as “ARS,” from February 12, 2016 through February 12, 2017 (the date the original complaint was filed).

{NJ188623.1}

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Pennsylvania

Pittsburgh
Pennsylvania

New York
New York

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Wilmington
Delaware

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March 4, 2021

Page 2

B. The Contact Information For Each N.J. Consumer Who Received A Message

Subject to all prior objections, see attached.

Very truly yours,

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**

/s/ *Christian M. Scheuerman*

Christian M. Scheuerman

CMS/jad

Encls.